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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/599,053 06/21/00 FAN

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024251 PM82/0920  
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25 METRO DRIVE  
SUITE 700  
SAN JOSE CA 95110

EXAMINER
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ISSING.G	
ART UNIT	PAPER NUMBER

3662  
DATE MAILED: 09/20/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/599,053

Applicant(s)

FAN ET AL.

Examiner

Gregory C. Issing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the language "said mobile" should be - - said second mobile - -.

In claim 8, the language "standard interface" is indefinite since it fails to clearly and distinctly set forth the limitations of the claim, specifically with regard to the scope of "standard".

In claim 14, the language "request" should be - - requests - -.

Claim 28 is not understood.

3. Note that there are two claims 35. The second occurrence has been renumbered as claim 36 and the applicant's account has been charged the fee for an additional claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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5. Claims 1, 2, 9-13, 16-23, 25, 30, 32, 33, 35 and 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Schmier et al.

Schmier et al disclose the claimed location relevant service system as shown in Figure 1 including (1) a first mobile unit 10 having a GPS receiver 14 and a microprocessing computer 16 (2) which is wirelessly linked to central processing computer 22 which is radio linked to a second mobile unit 31. The central processing computer 22 is coupled to a data network such as the internet to store and retrieve data. The second mobile unit is capable of receiving information relating to the position of the first mobile unit including routes, location, velocity/speed, arrival time and operational characteristics.

6. Claims 1, 2, 9-13, 17-23, 25, 30, 32, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Girerd et al.

Girerd et al disclose the claimed location relevant service system wherein a client computer 1 is coupled via a data network to location information relevant to a mobile unit 20 having a GPS receiver which is wirelessly coupled to the data network via a cellular link.

7. Claims 1, 2, 5, 9-14, 16-19, 22, 25, 26, 30, 32, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliot.

Elliot discloses the claimed including a mobile unit being monitored 12 (Fig. 2), a central receiver/transmitter 16, a central control system 20 and a subscriber user (parent) monitoring the position of the mobile unit using a computer. Positioning system is either satellite or terrestrial based. The mobile unit comprises a GPS receiver and a paging/cellular communications device. The subscriber user (parent) includes a display (Fig. 4) which receives location relevant information regarding the unit 12 upon proper authentication.

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8. Claims 1, 2, 9-13, 17-23, 25, 30 and 32-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Fan et al.

Fan et al disclose the claimed first mobile unit (1, 3), a data network (27) and a monitoring unit (27) which may be fixed or portable. The monitor unit is coupled to the data network to monitor the first mobile unit wherein the first mobile unit includes a GPS receiver for determining location data. The first mobile unit has a display which displays graphically an elapsed time since its last transmission of positional information. Upon authorization, the second mobile unit receives location relevant information regarding the first mobile unit, including position and speed.

9. Claims 1, 3, 6-13, 18-23, 25, 31, 33 and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis.

Berstis discloses, as shown in Figure 3, a PDA (second mobile unit) coupled to a vehicle unit (first mobile unit) comprising wireless transceiver 58, GPS receiver 45 and docking cradle 51, wherein the wireless transceiver is coupled to a data network 40 for accessing location relevant services.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-27 and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruckert et al in view of Fan et al or Schmier et al.

*but not*

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Bruckert et al teach, as exemplified in Figure 3, the conventionality in vehicle navigation systems of including a faceplate module 60, which reads on the second mobile unit and which includes a wireless transceiver for conventional telecommunications as well as a vehicle computer 64 which reads on the first mobile unit and includes a navigation system. The faceplate module and computer module are capable of independent operation when not coupled via the support module 62. Bruckert et al teach the use of stored, downloadable data to provide map/navigation functions but fails to specify the use of the Internet as a source of navigational information. It is well known as taught by Fan et al or Schmier et al to utilize a wireless connection to a data network such as an Internet server to access a wide variety of information useful for navigational processing, such as map data or traffic/weather conditions as well as to provide positional information to the data network to provide third party monitoring of position/operational characteristics. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bruckert et al by utilizing the faceplate cellphone to access a data network such as an Internet server to obtain updated map and traffic information as well as to provide location tracking to third parties via the Internet server in view of the teachings of Fan et al or Schmier et al. The specifics of the location relevant service are deemed to be mere data retrieved from a database and thus obvious variations of information strings which would have been within the scope of the skilled artisan. The use of location sensors based on terrestrial triangulation would have been an obvious modification due to the conventionality in the art of augmented GPS systems which utilize cellular signals or other terrestrial transmitters including pseudolites in urban areas surrounded by tall buildings where the GPS satellites are blocked. The use of a phone call to buy tickets to an event via Ticketron

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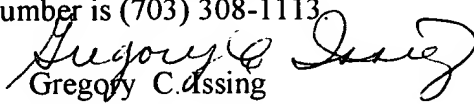
comprises a business transaction. Since Bruckert et al teach the use of a conventional cellphone for communications purposes, it is obviously within the scope of Bruckert et al to use a cellphone communication link to transact business.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lind et al disclose a "network vehicle" which provides on-board and off-board communications device including a PDA which may be docked to a vehicle computer which is coupled to the web so as to enable downloading of E-mails and appointments to the docked PDA. Buckley discloses a computer 701 which is dockable to a computer system on-board the vehicle so as to provide on-board and of-board computing functions. Hollenberg disclose a situation information system which accesses information from the internet in accordance with position determined from a GPS receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci  
September 18, 2001